



Docket No. SA 6014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Tetsuya FUDABA, et al.

Serial No.: 10/507,251

Group Art Unit: 1796

Filed: September 10, 2004

Examiner: N. NUTTER

Title: POLYPROPYLENE RESIN COMPOSITION AND FILM THEREOF

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 C.F.R.
§1.121

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Non-Compliant Amendment under 37 C.F.R. §1.121 (herein referred to as, "the Notice") bearing a mailing date of November 3, 2009. A response to the Notice is due by December 3, 2009 (i.e., thirty (30) days from the mailing of the Notice). As such, this response is timely filed.

In particular, the Notice states, "[p]rior to the Request for Continued Prosecution of 5 May 2009, claims 13-24 were pending. These claims must be listed, as well as any others, with the corrected status identifiers. Any additional claims would commence numbering with Claim 25." However, claims 13-24 referenced in the Notice were not pending prior to the Request for Continued

Examination (RCE) mailed on May 1, 2009; rather claims 13-24 were filed with the RCE. Accordingly, if claims 13-24 were entered upon filing the RCE on May 1, 2009, then the claims listed with Applicant's response of May 1, 2009 would be a correct listing of the claims. Notwithstanding, if claims 8-12, which were not entered prior to filing the RCE, would not have been retroactively entered upon filing the RCE (which remains unclear to Applicant), then the claims listed with Applicant's response of July 9, 2009 would be a correct listing of the claims.

Should any questions arise with this filing, the Examiner is welcomed to telephone the undersigned practitioner if he has any questions or comments.

Respectfully submitted,

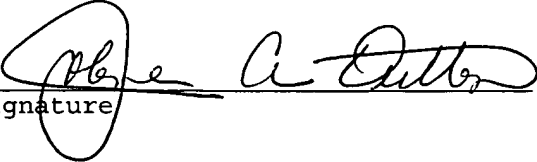
By: 

Jarrod N. Raphael
Registration No. 55,566
Customer No. 34872

Date: December 2, 2009
Basell USA Inc.
Newtown Square Center
3801 West Chester Pike, Bldg. B
Newtown Square, PA 19073
Tel: 610-550-3338
Fax: 713-308-5543

U.S. Patent Application
Serial No. 10/507,251

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on December 2, 2009.


Signature

December 2, 2009
Date